LOS ANGELES WATERKEEPER®

VIA CERTIFIED MAIL

December 3, 2013

American Waste Systems, Inc.
Attn: Managing Agent
1449 W. Rosecrans Avenue
Gardena, CA 90249

Republic Services, Inc.
18500 North Allied Way
Phoenix, AZ 85054

Republic Services of California II, LLC
18500 N. Allied Way
Phoenix, AZ 85054

Consolidated Disposal Service, LLC
18500 N. Allied Way
Phoenix, AZ 85054

Consolidated Services, Inc.
12949 Telegraph Road
Santa Fe Springs, CA 90670

Re: Notice of Violation and Intent to File Suit under the Federal Water Pollution Control Act

To Whom It May Concern:

I am writing on behalf of Los Angeles Waterkeeper ("Waterkeeper") regarding violations of the Clean Water Act[1] and California's General Industrial Storm Water Permit ("Storm Water Permit")[2] occurring at the American Waste Systems facility located at 1449 West Rosecrans Avenue, Gardena, CA 90249 ("American Waste Facility" or "Facility"). The purpose of this letter is to put the owner(s) and/or operator(s) of the American Waste Facility[3] on notice of the violations of the Storm Water Permit occurring at the American Waste Facility, including, but not limited to, violations caused by discharges of polluted storm water from the American Waste Facility into local surface waters and the failure to comply with the substantive and procedural requirements of the Storm Water Permit. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the American Waste Facility owner(s) and/or operator(s) are liable for violations of the Storm Water Permit and the Clean Water Act.

Waterkeeper has obtained documents and information relating to the American Waste Facility via Public Records Act requests, including documents submitted by the American Waste Facility owner(s) and/or operator(s) to the Los Angeles Regional Water Quality Control Board ("Regional Board"). Waterkeeper has also visually observed the industrial activities at the American Waste Facility. The violations of the Storm Water Permit and the Clean Water Act at the American Waste Facility described herein are based on Waterkeeper's review of the Regional Board documents and information, as well as Waterkeeper's observations.

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[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.

[3] The American Waste Facility's owner(s) and/or operator(s) are described in detail in Section I.B below.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1).

By this letter issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, (hereinafter "Notice Letter"), Waterkeeper puts the American Waste Facility owner(s) and/or operator(s) on notice that after the expiration of sixty (60) days from the date of this Notice Letter, Waterkeeper intends to file an enforcement action in federal court against them for violations of the Storm Water Permit and the Clean Water Act.

I. Background

A. Los Angeles Waterkeeper

Waterkeeper is a non-profit 501(c)(3) public benefit corporation organized under the laws of California with its main office at 120 Broadway, Suite 105, Santa Monica, California 90401. Founded in 1993, Waterkeeper has approximately 3,000 members who live and/or recreate in and around the Los Angeles area. Waterkeeper is dedicated to the preservation, protection, and defense of the rivers, creeks, and coastal waters of Los Angeles County from all sources of pollution and degradation. To further this mission, Waterkeeper actively seeks federal and state implementation of the Clean Water Act. Where necessary, Waterkeeper directly initiates enforcement actions on behalf of itself and its members.

Members of Waterkeeper reside in Los Angeles County, near the Dominguez Channel and the Los Angeles/Long Beach Harbor. As explained in detail below, the owner(s) and/or operator(s) of the American Waste Facility have continuously discharged pollutants into the Dominguez Channel, which flows into the Dominguez Channel Estuary, Los Angeles Harbor, Los Angeles/Long Beach Harbor, San Pedro Bay, Cabrillo Beach, and the Pacific Ocean (collectively "Receiving Waters"), in violation of the Clean Water Act and the Storm Water Permit. Waterkeeper members use the Receiving Waters for boating, kayaking, and swimming. Waterkeeper members also use the path alongside the Dominguez Channel to bird watch, view wildlife, hike, bike, walk, and run. Furthermore, Waterkeeper members engage in scientific study through pollution and habitat monitoring and restoration activities conducted by Waterkeeper's Marine Program in these waters. The unlawful discharge of pollutants from the American Waste Facility into the Receiving Waters impairs Waterkeeper members' use and enjoyment of these waters. Thus, the interests of Waterkeeper's members have been, are being, and will continue to be adversely affected by the American Waste Facility owner(s)' and/or operator(s)' failure to comply with the Clean Water Act and the Storm Water Permit.

B. The American Waste Owners and/or Operators

Information available to Waterkeeper indicates that the American Waste Facility is owned and/or operated by the following companies: Republic Services, Inc., Consolidated Disposal Service, LLC, Republic Services of California II, LLC, and Republic Services of California II, LLC dba American Transfer Station. Waterkeeper refers to Republic Services, Inc., Consolidated Disposal Service, LLC, Republic Services of California II, LLC, and Republic Services of California II, LLC dba American Transfer Station collectively as the "American Waste Owners and/or Operators."[4] As explained herein, the American Waste Facility Owners and/or Operators are liable for violations of the Storm Water Permit and the Clean Water Act.

Republic Services, Inc., is primarily a municipal solid waste ("MSW") management company. Information available to Waterkeeper indicates Republic Services, Inc., is doing business at the American Waste Facility as Consolidated Disposal Services, LLC. Further available information indicates that Republic Services, Inc.'s subsidiary, Republic Services of California II, LLC, is also an owner and/or operator of the American Waste Facility.

Information available to Waterkeeper indicates that Republic Services, Inc., is an active corporation registered in California. Information available to Waterkeeper indicates that Republic Services of California II, LLC and Consolidated Disposal Service, LLC are active limited liability companies registered in California. The Registered Agent for Republic Services, Inc., Republic Services of California II, LLC, and Consolidated Disposal Service, LLC is C T Corporation System, 818 West Seventh Street, Los Angeles, California 90017.

C. The American Waste Facility's Permit Coverage and Group Monitoring Plan

Prior to beginning industrial operations, dischargers are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to the State Water Resources Control Board ("State Board") to obtain Storm Water Permit coverage. *See* Storm Water Permit, Finding #3. The American Waste Owners and/or Operators submitted the NOI for the American Waste Facility on July 15, 1999. The cover letter for the NOI explained that Consolidated Disposal Services, Inc., was submitting it and that Republic Services was the parent company for Consolidated Disposal hauling business and the Action Transfer Station.[5]

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[4] Multiple documents for the American Waste Facility refer to American Waste Systems, Inc., and/or Consolidated Services, Inc. However, information available to Waterkeeper indicates that these entities are not active California corporations and do not have registered agents for service in California. To the extent that new information is made available that these two entities are or were owners and/or operators of the American Waste Facility, Waterkeeper puts them on notice of this suit.

[5] Information available to Waterkeeper indicates that Consolidated Disposal Services, Inc., never existed in California, and but instead is Consolidated Disposal Serivce, LLC, which now operates as a part of Republic Services, Inc. An unsigned NOI for American Waste Systems Inc., dated July 2, 2012 is available on the State Water Resources Control Board's website and lists

The letter further explained that Republic Services had recently purchased Action Transfer Station and was the new operator of the facility. The NOI identified the facility operator name and address as "Republic Services of California II, 12949 Telegraph Road, Santa Fe Springs, CA 90670." The NOI identified the facility name and address as "Action Transfer Station, 1449 West Rosecrans Avenue, Gardena, CA 90249." The State Board approved the American Waste Facility NOI on July 20, 1999. The NOI approval letter for the American Waste Facility lists the Waste Discharge Identification ("WDID") number for the American Waste Facility as 4-19I015288.

Republic Services, Inc., submitted a Group Monitoring Plan Application for 12 of its facilities, including the American Waste Facility, on August 25, 2008, pursuant to Section B(15) of the Storm Water Permit. Information available to Waterkeeper indicates that this Group Monitoring Plan ("GMP") was approved and the American Waste Facility Owners and/or Operators have been subject to it since the 2008-2009 Wet Season.[6] Pursuant to the GMP, the American Waste Facility Owners and/or Operators were required to collect and analyze storm water samples at the Facility during the 2009-2010 and 2012-2013 Wet Seasons. The 2012-2013 Annual Group Evaluation Report submitted on behalf of Republic Services, Inc., which includes the American Waste Facility, states that all facilities involved in the GMP are discontinuing GMP participation starting in the 2013-2014 Wet Season.

D. American Waste Facility Standard Industrial Classification Codes

The Storm Water Permit requires facility operators to submit "Facility Site Information" in the NOI. Storm Water Permit, Attachment 3 at 3. "Facility Site Information" must include the Standard Industrial Classification ("SIC") Code identifying the industrial activities taking place at the facility. *Id.* A facility must include all activities that take place at a facility in the Facility Site Information. *Id.* The American Waste Facility's NOI lists its SIC Codes as 4953 (Refuse Systems)[7] and 5093 (Scrap and Waste Materials). Information available to Waterkeeper indicates that the American Waste Facility is used to collect and transport refuse so, to comply with the Storm Water Permit, its NOI should also add SIC Code 4212 as applicable to the entire facility. These SIC Codes are relevant to evaluating the American Waste Facility Owners' and/or Operators' compliance with the Permit's monitoring requirements, including sample collection, sample analysis, and assessment of potential pollutant sources, as well as compliance with the Storm Water Permit's Effluent Limitations and the mandate to implement measures meeting the best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT") standards required by the Clean Water Act and Storm Water Permit.

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the facility operator as "Consolidated Services Inc." However, Republic Services Inc.'s website currently states, "Consolidated Disposal Service is now Republic Service." Regardless, information available to Waterkeeper indicates that Republic Services, Inc., is an owner and/or operator of the American Waste Facility and so this letter provides proper notice.

[6] The Wet Season is defined as October 1 – May 31.

[7] The applicable sector for the Facility's SIC Code 4953 under the Storm Water Permit is Sector K, "Hazardous Waste Treatment Storage or Disposal Facilities." *See* Storm Water Permit, Table D.

E. Storm Water Pollution and Receiving Waters

With every significant rainfall event, millions of gallons of polluted rainwater, originating from numerous Los Angeles industrial operations such as the American Waste Facility, pour into storm drains and Los Angeles area surface waters. The consensus among regulatory agencies and water quality experts is that storm water pollution accounts for more than half of the total pollution entering marine and river environments annually. According to the National Research Council's "Report on Urban Storm Water," storm water runoff is "a principal contributor to water quality impairment of waterbodies nationwide."[8] This discharge of pollutants from industrial facilities in storm water contributes to the impairment of downstream waters and aquatic dependent wildlife. A water body is impaired if it is unable to support its beneficial uses, as described below.

Discharges from recycling and transfer facilities such as the American Waste Facility contain pollutants such as: oil (including hydraulic and gear-oil) and grease ("O&G"); fuel (mainly diesel and red-dye diesel); antifreeze; brake fluid; transmission fluid; solvents; water-based detergents; paint; pathogens (including bacteria); nutrients; chemical oxygen demand ("COD"); total suspended solids ("TSS"); trash; and heavy metals such as copper, iron, lead, aluminum, and zinc. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and developmental or reproductive harm. Discharges of polluted storm water and non-storm water to the Receiving Waters via the storm drain system pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Regional Board issued the *Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura County* ("Basin Plan"). The Basin Plan identifies the "Beneficial Uses" of water bodies in the region. The Beneficial Uses for the waterbodies of the Dominguez Channel Watershed (including the Receiving Waters), which receive polluted storm water discharges from the American Waste Facility, include: water contact recreation ("REC 1"), non-contact water recreation ("REC 2"), commercial and sport fishing ("COMM"), wildlife habitat ("WILD"), estuarine habitat ("EST"), rare, threatened, or endangered ("RARE"), migration of aquatic organisms ("MIGR"), spawning, reproduction and/or early development ("SPWN"), and marine habitat ("MAR"). *See* Basin Plan, Table 2-1. According to the 2010 303(d) List of Impaired Water Bodies, the Dominguez Channel is impaired by toxicity, ammonia, copper, diazinon, indicator bacteria, lead, and zinc.[9] The Dominguez Channel Estuary is impaired by ammonia, chlordane, chrysene, coliform bacteria, lead, sediment toxicity, and zinc. Further, the Los Angeles Harbor is impaired by cadmium, chlordane, chromium, copper, lead, mercury, sediment toxicity, zinc, and indicator bacteria. The Los Angeles/Long Beach Harbor is impaired

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[8] National Research Council of the National Academies, "Urban Stormwater Management in the United States," vii (2008).

[9] 2010 Integrated Report – All Assessed Waters, available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml (last accessed on November 15, 2013).

by chrysene, copper, sediment toxicity, and zinc. The San Pedro Bay is impaired by chlordane and sediment toxicity, and one of the San Pedro Bay beaches, Cabrillo Beach, is impaired by indicator bacteria. Polluted discharges from the American Waste Facility cause and/or contribute to the degradation of the already impaired surface waters and beaches identified above. For the Los Angeles area aquatic ecosystem to regain its health, contaminated storm water discharges, including those from the American Waste Facility, must be eliminated.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically altered the natural ecosystem, the Receiving Waters are still essential habitat for dozens of fish and bird species, as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public's use of the Receiving Waters for water contact sports and fishing exposes many people to toxic metals, pathogens and bacteria, and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

II. The American Waste Facility and Associated Discharges of Pollutants

A. American Waste Facility Site Description

Information available to Waterkeeper indicates that the American Waste Facility is approximately 3 acres in size. The parcel on which the American Waste Facility is located is bordered by West Rosecrans Avenue to the south, Halldale Avenue to the west, Brighton Avenue to the east, and West 141st Street to the north. About 99% of the site is impervious.

Information available to Waterkeeper indicates that the American Waste Facility includes two buildings. The first is an enclosed administrative office and maintenance building that houses hazardous materials storage areas, a tire room, and an area for truck repair and washing. The second building is the Transfer Station, which is a three-sided structure that is used for unloading, sorting, and staging trucks and materials that enter the Facility. The Transfer Station houses a commercial tipping area, roll-off bin storage, and hazardous materials storage. The western side of the Facility is an uncovered paved area that includes vehicle parking, bin storage, a scalehouse and scales, a red-dye diesel dispensing area containing 4 diesel dispensers and a 12,000 gallon underground storage tank, a tipping area for green waste and commingled recyclables, a clarifier, and additional equipment storage areas. The hazardous material storage areas include storage tanks filled with motor oil, hydraulic oil, and transmission fluid, 55-gallon steel drums containing gear oil and used oil, 55-gallon polyethylene drums containing antifreeze and used antifreeze, and flammable chemicals. A loading pit and second clarifier are situated on the east side of the Facility adjacent to the Transfer Facility. Trucks generally enter the Facility via the driveway on 141st Street or one of the two gates on Brighton Avenue, and exit the Facility via a driveway on Halldale Avenue. Information available to Waterkeeper indicates that piles of materials sent to the Facility for recycling and/or disposal are also stored uncovered throughout the Facility.

B. American Waste Facility Industrial Activities and Pollutant Sources

Information available to Waterkeeper indicates that the American Waste Facility is used for MSW transfer, which includes unloading, sorting, temporary storage, and transfer of non-recyclable and recyclable MSW materials. Transfer trailer trucks move residual non-recyclable material to an offsite landfill. Additional industrial activities conducted at the American Waste Facility, including those related to the Facility's equipment and truck maintenance, include: fleet vehicle fueling, equipment and vehicle maintenance, truck washing, household hazardous waste ("HHW") storage, parking, and recycling services to the general public. Information available to Waterkeeper indicates that industrial activities at the American Waste Facility are conducted outdoors without adequate cover to prevent storm water exposure to pollutant sources, and without secondary containment or other measures to prevent polluted storm water from discharging from the American Waste Facility. For example, Waterkeeper observed open, exposed piles of debris at the Facility and trash blowing out from under the covered storage areas. Waterkeeper also observed tracking of sediments by truck tires from the driveway onto the street, and no BMPs in place to contain pollutants. Potential pollutant sources identified for the Facility include the diesel fueling area; the maintenance area; the tipping/sorting areas; hazardous waste storage areas; vehicle parking areas; the loading pit; areas with truck traffic and associated track off of pollutants; and areas used for storage of bins, materials, and equipment.

C. American Waste Facility Pollutants

The materials handled at the American Waste Facility are MSW and recyclable materials. The materials are collected from residential, commercial and/or industrial customers. Information available to Waterkeeper, including the Facility's own storm water samples, indicates that the pollutants associated with operations at the American Waste Facility include, but are not limited to: trash/MSW; heavy metals such as aluminum, copper, iron, lead, zinc; pathogens (including bacteria); nutrients; pH-affecting substances; antifreeze; brake fluid; transmission fluid; lubrication fluids; solvents and cleaners; O&G; paint; fuel (mainly diesel and red-dye diesel) and fuel additives; TSS; water-based detergents; coolant; liquid waste; recyclable materials; fugitive and other dust, dirt, and debris; wood; concrete; paper and paper fibers; cardboard; glass; aromatic hydrocarbons; chlorinated hydrocarbons; and plastic. Information available to Waterkeeper, including the Facility's SWPPP, indicates that some hazardous wastes are generated at the American Waste Facility, including used oil from equipment maintenance and sludge from site clarifiers. Other hazardous waste is sometimes dropped off by customers, including lead-acid batteries and household hazardous waste. Hazardous waste is stored in the Hazardous Waste enclosure of the Transfer Station building before it is removed from the site and taken to recycling/disposal facilities.

The American Waste Facility Owners' and/or Operators' failure to develop and/or implement required BMPs results in the exposure of these pollutants associated with the Facility's industrial activities to rainfall, which then discharges into the Receiving Waters, in violation of the Storm Water Permit and the Clean Water Act.

D. American Waste Facility Discharge Points

Information available to Waterkeeper indicates that storm water discharges to the municipal sewer system at eight (8) discharge points located at the Facility, which include four driveways on Halldale Avenue, one driveway on 141st Street, two driveways on Brighton Avenue, and an underground pipe from an on-site clarifier to the municipal storm drain (and conveys storm water once the clarifier reaches capacity). Information available to Waterkeeper indicates that storm water discharges from the American Waste Facility enter Los Angeles County municipal storm drains located on and/or under surrounding streets. The storm water discharges then flow through the Los Angeles County municipal storm drain system until they reach and are discharged into the Receiving Waters.

Information available to Waterkeeper indicates that storm water from the Facility also discharges to the municipal sanitary sewer system from two clairifiers located at the Facility. One clarifier is located in the southwest portion of the Facility near the corner of Halldale Avenue and Rosecrans Avenue and receives storm water that is collected within the Facility via six on-site inlets and routed to the clarifier. The clarifier has a "rainwater diversion device" that allows collection of rainfall on the the site up to approximately 1/10 inches of rainfall, after which the the remaining stormwater is pumped to the storm drain via an underground pipe. A second clarifier is located in the southeast portion of the Facility and is also equipped with a rainwater diversion device. This clarifier is connected to the municipal sanitary sewer system and receives some storm water that collects in the loading pit.

Available information indicates that the American Waste Facility Owners and/or Operators collect storm water samples at two locations at the Facility. The first sampling location is after the clarifier located in the southwest portion of the Facility, prior to its discharge to the storm drain. The second sampling location is at the entrance driveway on 141st Street.[10]

III. Violations of the Clean Water Act and the Storm Water Permit

A. Discharges of Polluted Storm Water from the American Waste Facility in Violation of Effluent Limitation B(3) of the Storm Water Permit

Effluent Limitation B(3) of the Storm Water Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve BAT[11] and BCT for conventional pollutants.[12] EPA Benchmarks are objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm

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[10] Prior to 2010, the second sampling point was located at the south driveway onto Brighton Avenue. However, in 2010 the Facility was remodled and the main entrance and exits were relocated to the 141st Street driveway.

[11] Toxic pollutants include heavy metals, such as copper, lead, and zinc. *See* 40 C.F.R. § 401.15.

[12] Conventional pollutants include biochemical oxygen demand, TSS, O&G, pH, and fecal coliform, among others. *See* 40 C.F.R. § 401.16.

Water Permit.[13]

Pursuant to the GMP, the American Waste Facility Owners and/or Operators were required to collect and analyze storm water samples during the 2009-2010 and the 2012-2013 Wet Seasons. The laboratory results of the sampling demonstrate that discharges from the Facility contain concentrations of pollutants significantly exceeding EPA Benchmarks. The table below sets forth the results of sampling conducted by the American Waste Facility Owners and/or Operators. Each sample result listed demonstrates an EPA Benchmark exceedance.

Sampling Conducted by the American Waste Facility Owners and/or Operators Demonstrating Benchmark Exceedances

Date of Sample	Sample Location	Constituent	EPA Benchmark[14]	Sample Value	Magnitude of Exceedance[15]
1/20/2010	SP-1	TSS	100	332	3.32
1/20/2010	SP-1	SC	200	250	1.25
1/20/2010	SP-1	O&G	15	28.7	1.91
1/20/2010	SP-1	Aluminum	0.75	4.25	5.67
1/20/2010	SP-1	Iron	1.0	6.83	6.83
1/20/2010	SP-1	Zinc[16]	0.08	0.956	11.95
1/20/2010	SP-1	Lead	0.045	0.0491	1.09
1/20/2010	SP-1	COD	120	420	3.50
1/20/2010	SP-1	Copper	0.009	0.0896	9.96
1/20/2010	SP-2	TSS	100	2520	25.20
1/20/2010	SP-2	SC	200	1000	5.0
1/20/2010	SP-2	O&G	15	96.6	6.44
1/20/2010	SP-2	Aluminum	0.75	51.2	68.27

[13] *See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP)*, as modified effective May 27, 2009 ("Multi-Sector Permit").

[14] EPA Benchmark Values for all constituents in the tables in this Notice Letter are measured in units of mg/L, except specific conductance ("SC"), which is measured in umhos/cm.

[15] The magnitude of exceedance values in this table and in the subsequent table was calculated by taking the Sample Value and dividing it by the EPA Benchmark (or CTR criteria in the table below). For example, the first TSS sample value (taken on 1/20/2010) of 332 divided by 100 (EPA Benchmark for TSS) equals 3.32. Thus the sample taken on 1/20/2011 is 3.32 times the EPA Benchmark for TSS.

[16] Certain pollutants, including copper, lead and zinc, are water hardness dependent. The EPA Benchmarks listed in the table in this Notice Letter are based on a hardness of 50-75 mg/L. *See* Multi-Sector Permit, p. 89 (Sector K Benchmark Values), J-2 (Appendix J); *see also* Attachment A to Resolution No. R11-008, *Amendment to the Water Quality Control Plan – Los Angeles Region*, adopted May 5, 2011 (stating that the median hardness of the Dominguez Channel from 2002 to 2010 is 50 mg/L based upon Los Angeles County Department of Public Works data from Station ID S28 (n = 35)).

Sampling Conducted by the American Waste Facility Owners and/or Operators Demonstrating Benchmark Exceedances

Date of Sample	Sample Location	Constituent	EPA Benchmark[14]	Sample Value	Magnitude of Exceedance[15]
1/20/2010	SP-2	Iron	1.0	89.4	89.4
1/20/2010	SP-2	Zinc	0.08	5.91	73.88
1/20/2010	SP-2	Lead	0.045	0.782	17.38
1/20/2010	SP-2	COD	120	1700	14.17
1/20/2010	SP-2	Copper	0.009	1.2	133.33
11/30/2012	SP-1	TSS	100	245	2.45
11/30/2012	SP-1	SC	200	670	3.35
11/30/2012	SP-1	Aluminum	0.75	2.51	3.35
11/30/2012	SP-1	Iron	1.0	4.86	4.86
11/30/2012	SP-1	Zinc	0.08	0.559	6.99
11/30/2012	SP-1	Lead	0.045	0.0502	1.12
11/30/2012	SP-1	COD	120	590	4.92
11/30/2012	SP-1	Copper	0.009	0.0701	7.79
11/30/2012	SP-2	Iron	1.0	1.11	1.11
11/30/2012	SP-2	Zinc	0.08	0.0866	1.08
11/30/2012	SP-2	Copper	0.009	0.0194	2.16

Information available to Waterkeeper, including sampling data exhibiting consistent exceedances of EPA Benchmarks, demonstrates that the American Waste Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the American Waste Facility that achieve compliance with the BAT/BCT standards.

Waterkeeper puts the American Waste Facility Owners and/or Operators on notice that they violate Effluent Limitation B(3) of the Storm Water Permit every time they discharge storm water from the American Waste Facility without BMPs that achieve BAT/BCT. *See, e.g.,* Exhibit A (setting forth dates of discharges). These discharge violations are ongoing and will continue every time the American Waste Facility Owners and/or Operators discharge polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Waterkeeper will update the dates of violations when additional information and data become available. Each time the American Waste Facility Owners and/or Operators discharge polluted storm water in violation of Effluent Limitation B(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The American Waste Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since December 3, 2008.

B. Discharges of Polluted Storm Water from the American Waste Facility in Violation of Receiving Water Limitations C(1) and/or C(2) of the Storm Water Permit

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water that adversely impact

human health or the environment.[17] Discharges that contain pollutants in concentrations that exceed levels known to adversely impact human health or the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").[18] Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.

Storm water sampling demonstrates that discharges from the American Waste Facility contain elevated concentrations of pollutants such as lead, copper, iron, aluminum, and zinc, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. Storm water sampling at the American Waste Facility also demonstrates that discharges contain concentrations of pollutants that cause or contribute to an exceedance of an applicable WQS. The table below sets forth the results of sampling conducted by the American Waste Facility Owners and/or Operators. Each sample result demonstrates violations of Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2).

Sampling Demonstrating Exceedances of Water Quality Standards

Date of Sample	Sample Location	Constituent	CTR Criteria[19]	Sample Value[20]	Magnitude of Exceedance[21]

[17] Unauthorized non-storm water discharges are flatly prohibited by Discharge Prohibition A(1) of the Storm Water Permit.

[18] WQSs include pollutant concentration levels determined by the State Board and the EPA to be protective of the Beneficial Uses of the receiving waters. Discharges above WQSs contribute to the impairment of the receiving waters' Beneficial Uses. Applicable WQSs include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"). The Basin Plan also sets out additional applicable WQSs.

[19] The CTR criteria for "priority toxic pollutants" are set forth in 40 C.F.R. § 131.38. These criteria are expressed as dissolved metal concentrations in the CTR. However, the Storm Water Permit requires permittees to report their sample results as total metal concentrations. *See* Storm Water Permit, Section B(10)(b). In order to compare the sample results reported in the American Waste Facility's Annual Reports with the CTR criteria, Waterkeeper used the CTR criteria converted to total metal concentrations set forth in the State Board's "Water Quality Goals" database, available at http://www.waterboards.ca.gov/water_issues/programs/water_quality_goals/. The formula used to convert the CTR criteria to total metal concentrations is set forth in the CTR at 40 C.F.R. § 131.38(b)(2)(i). The CTR criteria for each pollutant is based on a hardness of 50 mg/L for the Dominguez Channel. *See* Attachment A to Resolution No. R11-008, *Amendment to the Water Quality Control Plan – Los Angeles Region*, adopted May 5, 2011 (stating that the median hardness of the Dominguez Channel from 2002 to 2010 is 50 mg/L based upon Los Angeles County Department of Public Works data from Station ID S28 (n = 35)).

[20] CTR criteria and sample results for this table are measured in units of mg/L.

[21] *See* footnote 15, above.

Sampling Demonstrating Exceedances of Water Quality Standards					
Date of Sample	Sample Location	Constituent	CTR Criteria[19]	Sample Value[20]	Magnitude of Exceedance[21]
1/20/2010	SP-1	Copper	0.0073	0.0896	12.27
1/20/2010	SP-1	Lead	0.034	0.0491	1.44
1/20/2013	SP-1	Zinc	0.067	0.956	14.27
1/20/2010	SP-2	Copper	0.0073	1.2	164.38
1/20/2010	SP-2	Lead	0.034	0.782	23.0
1/20/2010	SP-2	Zinc	0.067	5.91	88.21
11/30/2012	SP-1	Copper	0.0073	0.0701	9.60
11/30/2012	SP-1	Lead	0.034	0.0502	1.48
11/30/2012	SP-1	Zinc	0.067	0.559	8.34
11/30/2012	SP-2	Copper	0.0073	0.0194	2.66
11/30/2012	SP-2	Zinc	0.067	0.0866	1.29

In addition, information available to Waterkeeper indicates pathogens (including indicator bacteria) are discharged from the American Waste Facility, in violation of Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2).

Waterkeeper puts the American Waste Facility Owners and/or Operators on notice that Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2) of the Storm Water Permit are violated each time polluted storm water discharges from the American Waste Facility. *See, e.g.,* Exhibit A. Information available to Waterkeeper indicates that these violations are ongoing and occur every time the American Waste Facility Owners and/or Operators discharge storm water from the American Waste Facility. Waterkeeper will update the dates of violation when additional information and data become available. Each time discharges of storm water from the Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act. The American Waste Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since December 3, 2008.

C. Failure to Develop, Implement, and/or Revise an Adequate Storm Water Pollution Prevention Plan in Violation of Section A and Provision E(2) of the Storm Water Permit

Section A(1) and Provision E(2) of the Storm Water Permit require dischargers to have developed and implemented a SWPPP prior to beginning industrial activities that meets all of the requirements of the Storm Water Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the American Waste Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. Storm Water Permit, Section A(2). These BMPs must achieve compliance with the

Storm Water Permit's Effluent Limitations and Receiving Water Limitations. To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9) and revised as necessary. *See* Storm Water Permit, Sections A(9) and A(10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a pollution prevention team; a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system(s), structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (*see* Section A(6)). Sections A(7) and A(8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

Information available to Waterkeeper indicates that the American Waste Facility Owners and/or Operators have been conducting and continue to conduct industrial operations at the American Waste Facility with an inadequately developed, implemented, and/or revised SWPPP. Although the Facility's SWPPP appears to be facially adequate, it does not achieve the Storm Water Permit's objective for the SWPPP, which is "to identify and implement site-specific [BMPs] to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges." Storm Water Permit, Section A(2). The Facility's SWPPP does not include a determination of "[w]hich areas of the facility are likely sources of pollutants in storm water discharges and authorized non-storm water discharges" (Storm Water Permit, Sections A(7)(a)(i) and A(7)(b)), and thus the American Waste Facility Owners and/or Operators have not evaluated the F
acility sufficiently to develop effective and comprehensive BMPs. The high pollutant concentrations in the Facility's storm water samples since at least December 3, 2008 demonstrate the failure of the Facility's BMPs to reduce or prevent pollutants associated with industrial activities in discharges, and thus the BMPs in the Facility's SWPPP are improperly developed and/or implemented. Further, although the American Waste Facility Owners and/or Operators revised the Facility's SWPPP in October 2012, samples taken after these revisions still contained high concentrations of pollutants. Therefore, the Facility's SWPPP continues to include inadequate BMPs and thus is in violation of the Storm Water Permit. *See* Storm Water Permit, Sections A(8) and A(9).

Waterkeeper puts the American Waste Facility Owners and/or Operators on notice that they violate Section A and Provision E(2) of the Storm Water Permit and the Clean Water Act every day that they operate the American Waste Facility with an inadequately developed, implemented, and/or revised SWPPP. The American Waste Facility Owners and/or Operators

have been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least December 3, 2008. These violations are ongoing, and Waterkeeper will include additional violations as information and data become available. The American Waste Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since December 3, 2008.

D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program for the American Waste Facility in Violation of Section B and Provision E(3) of the Storm Water Permit

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate Monitoring and Reporting Program (M&RP) when industrial activities begin at a facility that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). An adequate M&RP therefore ensures that BMPs are effectively reducing and/or eliminating pollutants at the facility, and is evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.*

Sections B(3) – B(16) of the Storm Water Permit set forth the M&RP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges during the first hour of discharge of at least one storm event per month during the Wet Season at each discharge point. Sections B(3) and B(4) further require dischargers to document the presence of any floating or suspended material, O&G, discolorations, turbidity, odor, and the source of any pollutants. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. Storm Water Permit, Sections B(3) and B(4).

Sections B(5) and B(7) of the Storm Water Permit require dischargers to collect storm water samples during the first hour of discharge from the first storm event of the Wet Season. A sample must be collected from each discharge point at the facility. Storm water samples must be analyzed for TSS, pH, SC, and total organic carbon ("TOC") or O&G. *See* Storm Water Permit, Section B(c)(i). Facilities classified as SIC Codes 4953 and 5093, such as the American Waste Facility, must also analyze their storm water samples for ammonia, magnesium, COD, arsenic, cadmium, cyanide, lead, mercury, selenium, silver, iron, aluminum, copper, and zinc. *See* Storm Water Permit, Section B(c)(iii)*; see also* Storm Water Permit, Table D, Sectors K and N. Facilities must also analyze their storm water samples for "toxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities." *See* Storm Water Permit, Section B(c)(ii).

For facility owners and/or operators participating in a GMP, all of the above MRP requirements apply. *See* Storm Water Permit, Section B(15)(h). During the Wet Season that a GMP participant is selected to collect samples, these samples must be collected in accordance with Section B(5) of the Storm Water Permit. Storm Water Permit, Sections B(15)(b) and (f). For participants in a GMP, each GMP participant must collect and analyze samples from at least two storm events over the five-year period of the Storm Water Permit. *See* Storm Water Permit, Section B(15)(b). GMP participants must comply with all other monitoring program and reporting requirements of the Storm Water Permit during all Wet Seasons. Storm Water Permit, Section B(15)(h).

Information available to Waterkeeper indicates that the American Waste Facility Owners and/or Operators have been conducting operations at the American Waste Facility with an inadequately developed, implemented, and/or revised M&RP. For example, in every Annual Report for the Facility since at least the 2007-2008 Annual Report, the American Waste Facility Owners and/or Operators have documented observing pollutants in the Facility's storm water discharges every month, yet these records always indicate that the Facility's BMPs were neither revised nor updated to prevent or reduce these pollutants. *See* Storm Water Permit, B(4)(c). This failure to take steps to reduce or prevent pollutants observed in the Facility's storm water discharges is never explained in the Facility's Annual Reports. Storm Water Permit, Section B(14).[22]

Additionally, the American Waste Facility has at least eight discharge locations, six of which are indicated on the Facility's SWPPP site map as areas of "potential stormwater discharge." However, the American Waste Facility Owners and/or Operators only sample from two of these eight discharge locations, and have not included any explanation or approval for reduced sampling in their annual reports. Although the Facility's SWPPP states that the two sampling points were selected because they are "representative of runoff from almost the entire facility grounds," this misstates the Storm Water Permit's requirements. *See* American Waste Facility 2012 SWPPP, at 5. Section B(5)(a) requires facility operators to sample *all* storm water discharge locations, not merely those representative of "almost" the entire facility's runoff, and thus this failure to sample from all discharge locations is a violation of the Storm Water Permit.

The Storm Water Permit requires facilities classified as SIC Code 4953, Sector K, to test for additional parameters listed in Table D of the Storm Water Permit, including ammonia, magnesium, arsenic, cadmium, cyanide, mercury, selenium, and silver. *See* Storm Water Permit, Section B(5)(c)(iii), Table D; *see also* Storm Water Permit, Section B(15)(b) (GMP participants must collect and analyze samples in accordance with Section B(5) of the Storm Water Permit).

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[22] Although the 2012-2013 Annual Group Evaluation Report submitted on behalf of Republic Services, Inc. for all facilities participating in the GMP, including the American Waste Facility, contains a description of corrective actions and new BMPs to be implemented at the Facility, this information must also be provided in the Facility's Annual Reports. *See* Storm Water Permit, Section B(15)(h) (stating that "All participants in an approved GMP that have not been selected to sample in a particular wet season are required to comply with *all* other monitoring program and reporting requirements of this section . . ." (emphasis added)).

Moreover, as discussed in detail in Sections I.E and II.B and C above, both pathogens (including indicator bacteria) and trash are likely present in the Facility's discharges in significant quantities. Section B(5)(c)(iii) of the Storm Water Permit requires the American Waste Facility, as a solid waste collection, recycling, resource recovery and bulk waste transfer facility, to test for all of these additional parameters. Yet the American Waste Facility Owners and/or Operators have never done so, in violation of the Storm Water Permit's clear directives. The Facility's Annual Reports also do not include an explanation for this failure to analyze for all required parameters. *See* Storm Water Permit, Section B(14).

Waterkeeper puts the American Waste Facility Owners and/or Operators on notice that they violate Section B and Provision E(3) of the Storm Water Permit and the Clean Water Act every day that they fail to develop, implement, and/or revise an adequate M&RP. The American Waste Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's M&RP requirements every day since at least December 3, 2008. These violations are ongoing, and Waterkeeper will include additional violations as information and data become available. The American Waste Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since December 3, 2008.

E. Failure to Comply with the Storm Water Permit's Reporting Requirements

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Storm Water Permit, in relevant part, requires that the Annual Report include the following: 1) a summary of visual observations and sampling results; 2) an evaluation of the visual observation and sampling and analysis results; 3) laboratory reports; and 4) an Annual Comprehensive Site Compliance Evaluation Report ("ACSCE Report"). Storm Water Permit, Section B(14). As part of the ACSCE Report, the facility operator must review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. *See* Storm Water Permit, Section A(9). The Annual Report must be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of his/her knowledge. *See* Storm Water Permit, Section B(14), C(9), and C(10).

Information available to Waterkeeper indicates that the American Waste Facility Owners and/or Operators have failed to comply with Section B(14) of the Storm Water Permit. For example, none of the Facility's Annual Reports provide an explanation of the American Waste Facility Owners' and/or Operators' failure to take steps to reduce or prevent pollutants observed in the Facility's storm water discharges or to sample for all parameters required by the Storm Water Permit. Further, despite consistent exceedances of WQSs, as discussed above, the American Waste Facility Owners and/or Operators have never submitted a report describing additional BMPs that will be implemented to prevent or reduce the pollutants that are causing or contributing to the exceedance of these WQSs. *See* Receiving Water Limitation C(3) and C(4). These examples of failures to assess the Facility's M&RP and respond to its inadequacies in the Annual Reports negates a key component of the evaluation process required in self-monitoring programs such as the Storm Water Permit. Instead, each year the American Waste Facility Owners and/or Operators disregarded these failures to comply with the Storm Water Permit by

simply checking the box in the Annual Report form indicating that they certified compliance with the Storm Water Permit. By providing erroneous information, the American Waste Facility Owners and/or Operators thereby ensured that violations of the Storm Water Permit would continue, as demonstrated by persistent WQS and EPA Benchmark exceedances, because no changes had been made to correct recurring issues. This in itself is a violation of the Storm Water Permit. *See* Storm Water Permit, Sections B(14), Receiving Water Limitation C(3) and C(4).

Waterkeeper puts the American Waste Facility Owners and/or Operators on notice that its failures to report are violations of the Storm Water Permit, and indicate a continuous and ongoing failure to comply with the Storm Water Permit's reporting requirements, including those set forth at Section B(14) and Receiving Water Limitation C(3) and C(4). Every day the American Waste Facility Owners and/or Operators operate the American Waste Facility without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The American Waste Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least September 6, 2008. The American Waste Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since December 3, 2008.

IV. Relief Sought for Violations of the Clean Water Act

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of the Notice Letter. These provisions of law authorize civil penalties of up to $32,500 per day per violation for all Clean Water Act violations between March 15, 2004 and January 12, 2009, and $37,500 per day per violation for all Clean Water Act violations after January 12, 2009. In addition to civil penalties, pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), Waterkeeper will seek injunctive relief preventing further violations of the Clean Water Act, declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Waterkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

V. Conclusion

Upon expiration of the 60-day notice period, Waterkeeper will file a citizen suit under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), for the above-referenced violations. Waterkeeper is represented by its own legal counsel and Lawyers for Clean Water, Inc. During the 60-day notice period, Waterkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, it is suggested that you initiate those discussions immediately.

Please direct all communications to Los Angeles Waterkeeper.

Tatiana Gaur
Los Angeles Waterkeeper
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Sincerely,

Liz Crosson
Los Angeles Waterkeeper

Tatiana Gaur
Tatiana Gaur
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LOS ANGELES WATERKEEPER®

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Los Angeles Waterkeeper Notice of Violations and Intent to File Suit—Exhibit A
Days with Significant Rain Events (Rainfall above 0.1 inches)
December 2008-May 2013
291-Los Angeles, 96th Street Rain Gauge

Date	Rainfall
12/15/2008	1.3
12/17/2008	0.47
12/22/2008	0.2
12/25/2008	0.24
1/23/2009	0.16
2/5/2009	0.51
2/6/2009	0.43
2/9/2009	0.24
2/13/2009	0.24
2/16/2009	1.06
2/17/2009	0.47
10/13/2009	0.39
10/14/2009	0.91
12/7/2009	0.71
12/11/2009	0.16
12/12/2009	0.91
1/17/2010	0.2
1/18/2010	0.71
1/19/2010	0.47
1/20/2010	1.34
1/21/2010	0.47
1/22/2010	0.51
1/26/2010	0.12
2/5/2010	0.67
2/6/2010	1.18
2/9/2010	0.43
2/27/2010	0.91
3/6/2010	0.2
4/5/2010	0.2
4/11/2010	0.35
4/12/2010	0.24
10/6/2010	0.27
10/19/2010	0.12
10/24/2010	0.12

Los Angeles Waterkeeper Notice of Violations and Intent to File Suite—Exhibit A
Days with Significant Rain Events (Rainfall above 0.1 inches)
December 2008-May 2013
291-Los Angeles, 96th Street Rain Gauge

10/25/2010	0.2
10/30/2010	0.35
11/8/2010	0.12
11/20/2010	0.24
11/21/2010	0.11
11/27/2010	0.12
12/5/2010	0.32
12/17/2010	0.31
12/18/2010	1.06
12/19/2010	2.64
12/20/2010	1.46
12/21/2010	0.94
12/22/2010	1.62
12/25/2010	0.51
12/26/2010	0.2
12/29/2010	0.63
1/2/2011	0.31
1/3/2011	0.16
2/16/2011	0.39
2/18/2011	0.39
2/19/2011	0.16
2/25/2011	0.67
2/26/2011	0.2
3/2/2011	0.16
3/20/2011	1.65
3/21/2011	0.27
3/23/2011	0.48
3/24/2011	0.15
3/25/2011	0.2
3/27/2011	0.12
5/17/2011	0.2
5/18/2011	0.15
10/5/2011	0.71
11/4/2011	0.19
11/6/2011	0.24
11/12/2011	0.2
11/20/2011	0.63

Los Angeles Waterkeeper Notice of Violations and Intent to File Suite—Exhibit A
Days with Significant Rain Events (Rainfall above 0.1 inches)
December 2008-May 2013
291-Los Angeles, 96th Street Rain Gauge

12/12/2011	0.75
1/21/2012	0.55
1/23/2012	0.52
3/17/2012	0.55
3/25/2012	0.74
4/10/2012	0.12
4/11/2012	0.43
4/13/2012	0.67
4/25/2012	0.28
4/26/2012	0.12
10/11/2012	0.35
11/17/2012	0.2
11/29/2012	0.11
11/30/2012	0.43
12/3/2012	0.27
12/18/2012	0.19
12/24/2012	0.62
12/26/2012	0.24
12/29/2012	0.27
1/24/2013	0.62
1/25/2013	0.12
1/26/2013	0.23
2/8/2013	0.28
2/19/2013	0.15
3/8/2013	0.43
5/6/2013	0.23